

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SUPERB MOTOR, INC., TEAM AUTO SALES LLC, ROBERT ANTHONY URRUTIA, 189 SUNRISE HIGHWAY AUTO, LLC., NORTHSHERE MOTOR LEASING, LLC., BRIAN CHABRIER, individually and derivatively as member of NORTHSHERE MOTOR LEASING, LLC., JOSHUA AARONSON, individually and derivatively as a member of 189 SUNRISE HWY AUTO, LLC., JORY BARON, 1581 HYLAN BLVD AUTO, LLC., 1580 HYLAN BLVD AUTO, LLC., 1591 HYLAND BLVD AUTO, LLC., 1632 HYLAN BLVD AUTO, LLC., 1239 HYLAN BLVD AUTO, LLC., 2519 HYLAND BLVD AUTO, LLC., 76 FISK STREET REALTY, LLC., 446 ROUTE 23 AUTO, LLC., and ISLAND AUTO MANAGEMENT, LLC.,

Case No. 2:23-cv-6188
(JMW)

**DECLARATION OF
BRIAN M. LEVINE,
ESQ. IN SUPPORT OF
IN SUPPORT OF
DEFENDANTS'
LETTER MOTION TO
MODIFY THE
PRELIMINARY
INJUNCTION**

Plaintiffs,
-against-

ANTHONY DEO, SARAH DEO, HARRY THOMASSON, DWIGHT BLANKENSHIP, MARC MERCKLING, MICHAEL LAURIE, THOMAS JONES, CPA, CAR BUYERS NYC, INC., GOLD COAST CARS OF SYOSSET, LLC., GOLD COAST CARS OF SUNRISE, LLC., GOLD COAST MOTORS AUTOMOTIVE GROUP, LLC., GOLD COAST MOTORS OF LIC, LLC., GOLD COAST MOTORS OF ROSLYN, LLC., GOLD COAST MOTORS OF SMITHTOWN, LLC., UEA PREMIER MOTORS CORP., DLA CAPITAL PARTNERS, INC., JONES, LITTLE & Co., CPA'S, LLP., FLUSHING BANK, LIBERTAS FUNDING, LLC, and J.P. MORGAN CHASE BANK, N.A.

Defendants.

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Brian M. Levine, Esq., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am admitted to practice before this Court, and am a partner of Levine Singh, LLP, attorneys for Defendants Anthony Deo, Sarah Deo, Harry Thomasson, Dwight Blankenship, Marc Merckling, Michael Laurie, Car Buyers NYC, INC., Gold Coast Cars of Syosset, LLC., Gold Coast Cars of Sunrise, LLC., Gold Coast Motors Automotive Group, LLC., Gold Coast Motors Of LIC, LLC., Gold Coast Motors of Roslyn, LLC., Gold Coast Motors of Smithtown, LLC., UEA Premier

Motors Corp (the “Defendants” or “Deo Defendants”) in the instant action, and as such, I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge and a review of the file maintained by my office.

2. I respectfully submit this Declaration in Support of the Deo Defendants’ letter motion seeking, *inter alia*, an Order holding the Plaintiffs, Superb Motors, Inc, Robert Anthony Urrutia, and Team Auto Sales, LLC (collectively, the “Superb Plaintiffs”) in contempt of the preliminary injunction order issued by the Honorable Orelia E. Merchant on September 29, 2023, as subsequently modified by the Honorable James M. Wicks (the “Preliminary Injunction”), and in support of modifying the terms of the Preliminary Injunction.

3. The following is a list of the VIN, make and year of the twenty-eight (28) Superb Injuncted Vehicles (not including the flatbed trucks) that were/are subject to the Preliminary Injunction:

1. WBXHT3C57K5L90705 2019 BMW
2. ZASPAKBN5L7C91095 2020 Alfa Romeo
3. 5N1DL0MM6LC528999 2020 Infiniti
4. WDD7X8KB7KA001866 2019 Mercedes Benz
5. 2C3CDXHG6MH531592 2021 Dodge
6. 2C3CDXHG1MH505823 2021 Dodge
7. ZN661XUAXHX252844 2017 Maserati
8. SALWR2RV8JA189351 2018 Land Rover
9. JTJBARBZ9J2171144 2018 Lexus
10. 1FTEW1EF1GFB67420 2016 Ford
11. 5UXWX9C50H0T04666 2017 BMW
12. 1FATP8UH1K5152260 2019 Ford
13. WBXHT3C59K5L90009 2019 BMW
14. ZARFAEDN3J7575105 2018 Alfa Romeo
15. 1C4RDHDG7JC438967 2018 Dodge
16. WBAJB1C53KB375171 2019 BMW
17. WP0AF2A74GL082172 2016 Porsche
18. SALYB2EX4KA782114 2019 Land Rover
19. W1K7X6BB7LA016406 2020 Mercedes Benz
20. SALGS2RE3KA519794 2019 Land Rover
21. WDBUF56X99B373460 2009 Mercedes Benz
22. 55SWF4KB5GU101091 2016 Mercedes Benz

23. WBA4E5C59HG188797 2017 BMW
24. WDDJK7DA4JF052861 2018 Mercedes Benz
25. WBA2H9C36HV986948 2017 BMW
26. ZAM57YTA4K1314330 2019 Maserati
27. 1FDWX37R38ED27725 2008 Ford
28. 1C4PJMAK9CW133196 2012 Jeep

For the Court's convenience, I have highlighted all the vehicles on Superb Injuncted Vehicles that are found within the list of vehicles within Exhibit 1 of the So-Ordered Stipulation that was filed under entry number "114.00" in the case filings for *Nissan Motor Acceptance Company v. Team Imports LLC, et. al.*, Docket No. HHD-CV24-6189271-S, Conn. Super. Ct. (Judicial Dist. of Hartford, 2024) (the "NMAC Action"). All of the documents filed in the NMAC Action can be accessed on the court's website at the following link:

<https://civilinquiry.jud.ct.gov/CaseDetail/PublicCaseDetail.aspx?DocketNo=HHDCV246189271>

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4. Attached hereto as *Exhibit C*, is a true and correct copy of "Exhibit 1" from the So-Ordered Stipulation filed under entry number "114.00," which I have marked with the corresponding number from the Superb Injuncted Vehicle list, and similarly highlighted them in yellow. In addition, the BMW ending in VIN 8313 has been marked with the number 40 and highlighted in orange for the Court's convenience. The So-Ordered Stipulation, in its entirety, can be accessed by the Court directly at the following link: [Entry 114.00](#).

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 8, 2024.

/s/ Brian M. Levine, Esq.
Brian M. Levine, Esq.